FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4836 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr.Adviprasad Kulkarni h/f. Mr.V.V. Purwant for the petitioner.

Mr.Nitin Jamdar for respondent 1.

Mr.G.S. Godbole with Mr. Anand S. Kulkarni for respondent 4.

CORAM: SMT. RANJANA DESAI, J.

DATED: 6TH SEPTEMBER, 2005.

P.C.:-

I have heard the learned counsel for the parties.

In my opinion, since both the courts have returned prima facie concurrent findings of fact against the petitioner, no interference is necessary with the impugned orders in my writ jurisdiction. However, as noted by the lower appellate court in paragraph 20 of its judgment, after

further construction on the land, if respondent 1 decides to invite tenders in respect of pay and park, the petitioner can always participate in the said tender and respondent 1 will consider his offer in accordance with law.

I may note that the learned counsel for the petitioner has argued that at one stage his tender was accepted by respondent 1 but, since the whole process was cancelled, an amount of Rs.5,000/- was returned to him. This fact may also be kept in mind by respondent 1. However, the ultimate acceptance of offer will be only done in accordance with law and after considering which candidate fulfills all the requirements.

I clarify that respondent 1 shall take its decision independently and will not be carried away by any observations made by me.

Petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)